

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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THE PRUDENTIAL INSURANCE
COMPANY OF AMERICA,

Plaintiff,

-v-

RICHARD MAHONEY and SANDRA
GARCIA ROSARIO, as mother and legal
guardian of T.M.,

Defendants.
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USDC-SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: <u>7/7/14</u>

12-cv-5266-RA

ORDER

RONNIE ABRAMS, United States District Judge:

On July 6, 2012, Plaintiff The Prudential Insurance Company of America brought a Complaint in Interpleader requesting that the Court determine whether Defendant Richard Mahoney or Defendant Sandra Garcia-Rosario is the proper beneficiary of a \$79,000 death benefit due under decedent Robert Mahoney's life insurance plan. On December 11, 2012, Plaintiff deposited with the Court a check in the amount of the death benefit, which the Clerk of Court was directed to deposit in an interest-bearing account. On October 18, 2013, the Court referred the case to Magistrate Judge Freeman for a report and recommendation as to summary judgment. Before the Court is Judge Freeman's April 30, 2014 Report and Recommendation, which recommends that summary judgment be granted in favor of Defendant Richard Mahoney.

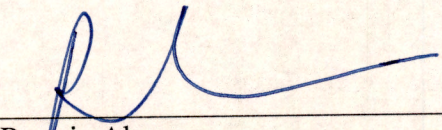
A district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). "To accept the report and recommendation of a magistrate, to which no timely objection has been made, a district court need only satisfy itself that there is no clear error on the face of the record." Nelson v. Smith, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985).

Here, although the Report and Recommendation provided that “the parties shall have fourteen (14) days from the service of this Report to file written objections,” (Report and Recommendation at 7), neither party has filed an objection. Accordingly, the Court has reviewed Judge Freeman’s thorough and well-reasoned Report and Recommendation for clear error and, after careful review of the record, finds none. The Court therefore adopts the Report and Recommendation in its entirety.

Summary judgment is granted in favor of Defendant Richard Mahoney. The Clerk of Court is directed to close the account containing the death benefit at issue in this action; to disburse all funds, including any accrued interest, to Richard Mahoney; and to close this case on the Court’s docket.

SO ORDERED.

Dated: July 7, 2014
New York, New York



Ronnie Abrams
United States District Judge